

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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| RICKY ALAN WEBB, | : | Case No. 1:14-cv-341 |
| | : | |
| Plaintiff, | : | Judge Timothy S. Black |
| | : | |
| vs. | : | |
| | : | |
| COMMISSIONER OF | : | |
| SOCIAL SECURITY, | : | |
| | : | |
| Defendant. | : | |

ORDER THAT: (1) THIS MATTER BE REMANDED TO THE ALJ UNDER THE SIXTH SENTENCE OF 42 U.S.C. § 405(g); AND (2) THIS CASE BE CLOSED

This civil action is before the Court on Defendant's Unopposed Motion for Remand. (Doc. 5). Defendant moves the Court to remand of this case for further administrative proceedings pursuant to the sixth sentence of 42 U.S.C. § 405(g), which provides that "the Court may, on motion of the Commissioner made for good cause shown before [she] files [her] answer, remand the case to the Commissioner for further action... ." ¹

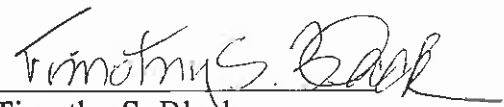
The Office of Disability Adjudication and Review has informed Defendant that a certified administrative record cannot be prepared because the tape recording of the administrative hearing is partially inaudible, particularly in areas of crucial vocational expert testimony. (Doc. 5 at 2). As Congress intended such difficulties to be considered "good cause" for remand and as it is unopposed, Defendant's motion (Doc. 5) is hereby

¹ See *Melkonyan v. Sullivan*, 501 U.S. 101 n.2 (1991); *Shalala v. Schaefer*, 509 U.S. 292, 297 n.2 (1993).

GRANTED. *See* H.R. Rep. No. 96-944, 96th Cong., 2d Sess. 59 (1980). On remand, Defendant will hold a new hearing and obtain testimony from a vocational expert. (Doc. 5 at 2).

IT IS SO ORDERED.

Date: 9/5/14


Timothy S. Black
United States District Judge